	1	
į	4	

Application No. Applicant(s) 10/665.400 ZELMAN, GARY M. Notice of Allowability Examiner Art Unit 2873 Huv K. Mai -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All daims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. This communication is responsive to the application filed Sept. 20, 2003. 2. The allowed claim(s) is/are 1-13. 3. The drawings filed on 20 September 2003 are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) 🔲 All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) Thereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 5. Notice of Informal Patent Application (PTO-152) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 6. Interview Summary (PTO-413), Paper No./Mail Date 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08). 7. X Examiner's Amendment/Comment Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit 8. X Examiner's Statement of Reasons for Allowance of Biological Material 9. Other _____.

Art Unit: 2873

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The phrase "the tops" (claim 13, line 2) has been changed to -the bottoms--.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a combination of all the limitations as claimed in the independent claim 1, wherein the claimed invention comprising a primary lens frame having a pair of primary lenses and a pair of primary magnetic members, wherein each primary magnetic member magnetically couples to a corresponding magnetic member in one of the sockets of the eyewear platform from the top, thereby securing the primary lens frame to the eyewear platform; and an auxiliary lens frame having a pair auxiliary lenses and a pair of auxiliary magnetic members, wherein each auxiliary magnetic member magnetically couples to a corresponding magnetic member in one of the sockets of the eyewear platform from the bottom, thereby securing the auxiliary lens frame to the eyewear platform such that the auxiliary lenses are disposed in front of the primary lenses, as claimed. The prior art does not disclose or fairly suggest, by themselves or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 1,6,10. Therefore claims 1-13 could be allowable over the prior art of record.

Application/Control Number: 10/665,400

Art Unit: 2873

Page 3

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The

examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-1562.

Huy Mai

Primary Examiner

HKM/

April 27, 2005